THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10975 of 2006

Dated:17.08.2006

Between:

Moti Ram.

…Petitioners

and

District Registrar, Ranga Reddy District, and another.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10975 of 2006

ORDER:

This Writ Petition is filed assailing proceedings No.5517/G1/02, dated 23.12.2002 issued by the first respondent rejecting the appeal filed by the petitioner on the ground that the same is barred by limitation.

The petitioner and his brother one M.R.Gupta purchased plot No.E-48 admeasuring 431.75 square yards (360.89 square metres) in Survey No.28 of Mianpur Village of Rajendra Nagar Taluq in Ranga Reddy District. A sale deed was executed in their favour by M/s.Jeelani Begum, Khaja Zuharuddin, Khaja Habeebuddin and Khaja Moinuddin on 20.01.1981. The same was presented before the second respondent for registration. By an order bearing refusal No.289 of 1982, dated 31.07.1982, the second respondent refused registration on the ground that the permission under Section 26 of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the ULC Act'), is not produced. By the said order, dated 31.07.1982, the petitioner was also informed that an appeal would lie against the said order/refusal under Section 72 of the Registration Act, 1908 (for short 'the Act'), within thirty days. The appeal was filed within thirty days. The petitioner and the legal representatives of his brother, M.R.Gupta, filed the appeal sometime in December 2002. The first respondent dismissed the appeal on the ground that it was filed twenty years after the refusal order. This order is assailed in the Writ Petition.

The learned Counsel for the petitioner contends that permission under the ULC Act is not required for registration of the documents in favour of the petitioner and his brother, and therefore, the order passed by the second respondent is illegal. He submits that the petitioner's brother, M.R.Gupta, was looking after the matter, and therefore, the

petitioner was not aware. For this reason, the first respondent ought to have condoned the delay.

The learned Assistant Government Pleader for Revenue (General) opposed the Writ Petition on the ground that the Writ Petition is filed with delay and laches without there being any proper explanation. He also points out that under Section 77 of the Act, the petitioner can file a suit before the competent civil Court.

The Writ Petition cannot be entertained for two reasons. Admittedly, the second respondent refused registration by refusal order dated 31.07.1982. When the petitioner filed the appeal after a lapse of about twenty years, the same was rejected by the first respondent as time barred. The first respondent passed orders on 23.12.2002 and this Writ Petition is filed almost after four years. There is no proper explanation for the same, except contending that the brother of the petitioner was looking after the matter. This Court is not inclined to accept the Writ Petition. If so advised, the petitioner may avail the remedy under Section 77 of the Act.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

17.08.2006
vs